

REMARKS

Claims 1-18 are pending in the present application. With entry of this Amendment, Applicant amends claims 1-3, 6-15 and 18. Reexamination and reconsideration are respectfully requested.

The Examiner rejected claims 1-18 under 35 U.S.C. 103(a) as being unpatentable over Mohrbacher (US 5602356) in view of Goldmark (US 3955466). The rejection is respectfully traversed.

Claim 1

Applicant has amended claim 1 to recite a step of receiving a tone generation instruction in order to better claim the invention.

The following recitation of claim 1 provides “receiving style-of-rendition identification information identifying a style of rendition to be used in a musical performance and corresponding to a waveform to be produced.” Applicant notes that this recitation has been amended in two ways. First, the words “to be” were added before the word “used.” Second the word “and” has been added between the words “performance” and “corresponding.” These amendments are simply made to place the recitation in better grammatical form.

The Examiner in the present Office Action admits that Mohrbacher does not teach receiving style-of-rendition identification information. The Examiner contends that Goldmark makes up for this deficiency of Mohrbacher by disclosing style-of-rendition identification information.

Goldmark is directed to a performance learning system that utilizes a multiple track magnetic medium 12 as illustrated in Fig. 1. On the first track 18.1, called the ensemble track, there is a pre-recorded rendition of a musical score with one instrument omitted (see, e.g., Col. 2, lines 47-58 and Col. 4, lines 35-54). On another track 18.4, the student can record his or her rendition of the omitted performance while hearing the accompanying ensemble rendition of the first track.

The ensemble track is thus merely a pre-recorded performance. While the student can certainly hear a rendition or renditions on the ensemble track, Goldmark does not disclose or suggest that the ensemble track contains any information that actually *identifies* any rendition(s). Accordingly, claim 1 is patentable over the references, because neither reference discloses receiving style-of-rendition identification information.

Aside from the above recitation, claim 1 has at least two other recitations that are not disclosed or suggested by the cited references.

First, claim 1 as amended recites “generating a packet stream in accordance with the style-of-rendition identification information received by said step of receiving, the packet stream including a series of packets, each of the packets including vector identification information and time information indicative of time that depends on time of the tone generation instruction.”

Because Mohrbacher and Goldmark do not disclose style-of-rendition identification information, they do not disclose or suggest generating a packet stream in accordance with the style-of-rendition identification information.

Moreover, both references do not disclose or suggest a stream of packets, each including vector identification information and time information related to the tone generation instruction.

Mohrbacher is directed to an apparatus that allows a student to play a pre-recorded performance with some individuality. While viewing or listening to the pre-recorded performance, a studio musician produces musical note assistance data synchronized with the pre-recorded performance. The musical note assistance data is then supplied to the student’s instrument as he or she views or listens to the pre-recorded performance. The data prevents the beginning student from making certain mistakes (such as playing a note in a wrong scale), but allows the student to play the performance with a desired level of individuality.

Mohrbacher discloses different ways of synchronizing the pre-recorded performance with the musical note assistance data. For example, Col. 47, lines 23-63 describe synchronizing the pre-recorded performance on a CD using a least squares technique. The technique refers to samples

of music data having a certain amplitude at a certain time. According to the Examiner, this discloses music data in vector form (see page 4 of the Office Action). Even if one accepts the Examiner's characterization of Mohrbacher as disclosing vector data (which Applicant does not), Mohrbacher does not disclose or suggest data that *identifies* vector data as recited in claim 1.

Indeed, it is respectfully submitted that the above difference between Mohrbacher and the claimed invention highlights a misunderstanding of the claimed invention by the Examiner. The vector identification information is part of a packet stream that is generated. The Examiner views the recited step of generating a packet stream as generating notes (see Office Action as page 3, last paragraph). This is incorrect. The step refers to an operation that is performed *prior* to the generation of notes. The step generates the recited packet stream to read out vector data that is then used to generate a waveform. In other words, the recited step provides data that identifies vector data for producing a waveform; it does not provide vector data itself.

It is believed that Goldmark does not make up for the deficiencies of Mohrbacher with respect to the recited step of generating a packet stream. Accordingly, Applicant respectfully submits that claim 1 is patentable over the cited references, because neither reference discloses the recited step of generating a packet stream.

Finally, claim 1 as amended recites "reading out, from a storage device, vector data on the basis of the vector identification information included in individual ones of the packets and then sequentially producing a waveform in accordance with the time information included in the individual packets and on the basis of the read-out vector data." As discussed above, Mohrbacher and Goldmark fail to disclose reading out vector data based on the basis of vector identification data and, thus, fail to disclose the recited step of reading out. Accordingly, Applicant respectfully submits that claim 1 is patentable over the references based on this recitation as well.

Claims 2-8

Claims 2-8 depend on claim 1 and are patentable over the cited references for at least the reasons set forth above. Applicant has amended claims 2 and 3 in view of the amendment to claim

1. Claims 6-8 have been amended to clarify that the packet stream “includes” (but is not limited to) data for controlling respectively pitch, amplitude and shape of a waveform to be produced.

Claims 9-11

Independent claims 9-11 recite style-of-rendition identification information and, thus, are patentable over the cited references for the reasons set forth above with respect to claim 1 relating to the style-of-rendition identification information. Applicant notes that claims 9-11 have been amended in a similar manner to claim 1. Accordingly, Applicant respectfully submits that claims 9-11 are patentable over the references for these reasons as discussed above with respect to claim 1.

Claim 12

Claim 12 recites “receiving a packet stream including a plurality of packets, each of the packets including time information of the packet and vector identification corresponding to the packet and identifying vector data for generating a waveform representative of style or rendition to be used in a musical performance.” Applicant has amended this recitation by changing each packet to “each of the packets” and re-positioning the phrase “corresponding to the packet.” These amendments are simply made to place the recitation in better grammatical and idiomatic form.

Applicant respectfully submits that claim 12 is patentable over the cited references, because neither reference discloses packets having vector identification information that identifies vector data as recited above.

Applicant has added the following recitation to claim 12: “reading out, from a storage device storing a plurality of vector data, vector data corresponding to the vector identification information of individual ones of the packets.” It is believed that Mohrbacher and Goldmark do not disclose reading out vector data corresponding to vector identification information. Accordingly, claim 12 is patentable over the cited references based on at least this recitation as well.

Claims 13-15

Independent claims 13-15 recite packets including vector identification information and, thus, are patentable over the cited references for the reasons set forth above with respect to claim 12. Applicant notes that claims 13-15 have been amended in a similar manner to claim 12. Accordingly, Applicant respectfully submits that claims 13-15 are patentable over the references for these reasons as discussed above with respect to claim 12.

Claims 16-18

Claims 16-18 depend on claim 1 and are patentable over the cited references for at least the reasons set forth above with respect to claim 1. Claim 18 has been amended to correct a minor informality.

IDS

Applicant notes that two information disclosure statements were filed on January 31, 2001 and November 4, 2004. Neither Form 1449 accompanying these statements has been initialed by the Examiner. Applicant herewith submits a copy of the submitted statements and Form 1449 with a copy of the returned postcards. Applicant respectfully submits that the Examiner initial the submitted forms.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicant requests that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5630 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 393032020000.

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Respectfully submitted,

By 

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Enclosure:

Copies of IDS, Form PTO-1449, and Postcard receipt dated 01/31/2001
(received by USPTO on 02/02/2001)

Copies of IDS, Form PTO/SB/08, and Postcard receipt dated 11/04/2004
(received by USPTO on 11/04/2004)